

CITY OF HIGHLAND VILLAGE, TEXAS

ORDINANCE NO. 2018-1255

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIGHLAND VILLAGE, CHAPTER 12 "OFFENSES AND NUISANCES," ARTICLE 12.05 "NUISANCES," SECTION 12.05.004 "WEEDS, GRASS, AND OTHER VEGETATION" BY AMENDING PARAGRAPH 2(C) RELATING TO THE HEIGHT AND ENCROACHMENT OF TREES AND OTHER VEGETATION OVER STREETS AND SIDEWALKS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED \$2000.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council finds it to be in the public interest to amend Code of Ordinances §12.05.004 relating to the encroachment of trees and other vegetation into and over public streets and sidewalks in order to be consistent with other City ordinances and to reduce obstructions and impediments to vehicles and pedestrians traveling on the City's streets, sidewalks, and trails;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THAT:

SECTION 1. The City of Highland Village Code of Ordinances Chapter 12 "Offenses and Nuisances," Article 12.05 "Nuisances," Section 12.05.004 "Weeds, Grass, and Other Vegetation" by amending Paragraph 2(C) to read as follows:

(2) Prohibited Conditions; Exceptions:

* * *

(C) It shall be unlawful for any owner or occupant of any property within the city to permit limbs, brush and other vegetation existing above or adjacent to a public street or alley to:

- (i) hang lower than fourteen (14) feet above the alley or public street pavement;
- (ii) hang lower than eight (8) feet above the sidewalk and other rights-of-way; or
- (iii) grow into or over the area occupied by a sidewalk, street, or alley, such that the limbs, brush, or other vegetation obstruct the passage of pedestrians or any type of vehicle.

It shall not be a defense to a violation of paragraph (C)(iii) that the width of the sidewalk or street was sufficient to allow a pedestrian or vehicle to change direction in travel to avoid striking the limb, brush, or other vegetation that has grown into or over the area occupied by the sidewalk, street, or alley.

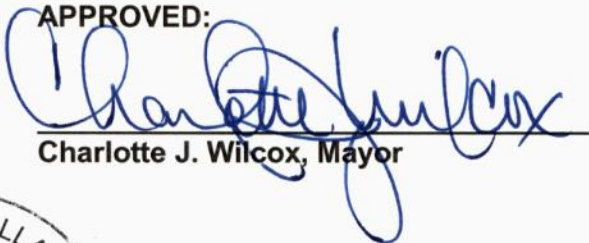
SECTION 2. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 3. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 4. This ordinance shall take effect upon its passage on Second Reading and publication of the caption in accordance with the provisions of the Charter of the City of Highland Village, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON FIRST READING ON THIS THE 25TH DAY OF SEPTEMBER 2018.


PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE 9TH DAY OF OCTOBER 2018.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary



APPROVED AS TO FORM AND LEGALITY

Kevin B. Laughlin, City Attorney
(kbl:9/17/18:102706)